

UNITED STATES DISTRICT COURT  
for the  
District of New Mexico

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)  
One USPS Priority Mail Express envelope bearing USPS  
tracking number EI 689 526 542 US, more specifically  
described in Attachment A

Case No.  
**23mr2252**

**APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

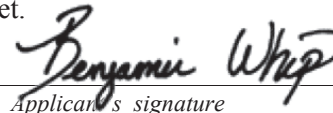
The search is related to a violation of:

| Code Section        | Offense Description                    |
|---------------------|--|
| 21 U.S.C 841 (a)(1) | Distribution of a controlled substance |
| 21 U.S.C 846        | Conspiracy                             |

The application is based on these facts:

See the attached affidavit of U.S. Postal Inspector Benjmain Whip which has been incorporated by reference and has been reviewed and approved by AUSA Joseph Spindle .

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
Applicant's signature

Benjamin Whip, U.S. Postal Inspector  
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
telephonically sworn and electronically submitted (specify reliable electronic means).

Date: December 6, 2023

City and state: Albuquerque, NM

  
Judge's signature

Laura Fashing, United States Magistrate Judge  
Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF  
ONE USPS PRIORITY MAIL EXPRESS  
ENVELOPE BEARING USPS  
TRACKING NUMBER EI 689 526 542  
US, MORE SPECIFICALLY DESCRIBED  
IN ATTACHMENT A

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Benjamin Whip, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a United States Postal Inspector and have been employed since May 2019. I have completed a twelve-week basic training course in Potomac, Maryland, which included training in the investigation of narcotics trafficking via the United States Mail. I am currently assigned to the Phoenix Division, Albuquerque, NM, Domicile which is responsible for investigating narcotic violations involving the United States Mail. Part of my training as a Postal Inspector included narcotic investigative techniques and training in the identification and detection of controlled substances being transported in the U.S. Mail. Prior to my appointment as a U.S. Postal Inspector, I served as a U.S. Border Patrol Agent with the Department of Homeland Security, Customs and Border Protection, in Casa Grande, AZ, for nearly eleven years. I hold a Bachelor's Degree in Criminal Justice from Michigan State University.

2. I have conducted numerous narcotics investigations of individuals for violations of Title 21, United States Code, Sections 841(a)(1) (Possession with Intent to Distribute a Controlled Substance), 843(b) (Use of a Communication Facility to Facilitate the Distribution of a Controlled Substance), and 846 (Conspiracy to Possess with Intent to Distribute a Controlled Substance). The

facts and information contained in this affidavit are based on my personal knowledge, as well as that of other Postal Inspectors and law enforcement officers involved in this investigation as described below.

3. This affidavit is made in support of an application for a search warrant for one United States Postal Service (“USPS”) Priority Mail Express envelope (hereafter, referred to as the “**SUBJECT PARCEL**”). The **SUBJECT PARCEL** is believed to contain controlled substances and/or proceeds from the sale of controlled substances.

4. The **SUBJECT PARCEL** is further described as follows: One USPS Priority Mail Express envelope bearing USPS tracking number EI 689 526 542 US, addressed to “Pinon, 1620 Player Court, Belen, NM 87002” with a return address of “Romero, 110 Ulysses, Monte Vista, CO 81144.” The **SUBJECT PARCEL** is a USPS Priority Mail Express Flat Rate Envelope, measuring approximately 12.5 inches by 9.5 inches, weighing approximately 8 ounces, postmarked December 4, 2023, and bearing \$28.75 in postage.

### **BACKGROUND**

5. From my training and experience, as well as the training and experience of other Postal Inspectors, I am aware the USPS mail system is frequently used to transport controlled substances and/or proceeds from the sale of controlled substances to areas throughout the United States. I also know drug traffickers prefer mail/delivery services such as Express Mail and Priority Mail because of their reliability and the ability to track the article’s progress to the intended delivery point. When a drug trafficker learns that a mailed article has not arrived as scheduled, he/she becomes suspicious of any delayed attempt to deliver the item.

6. Based on my training and experience regarding Express Mail operations, I am aware that the Express Mail service was designed primarily to fit the needs of businesses by

providing overnight delivery for time-sensitive materials. Moreover, based on my training and experience, I am aware that business mailings often: (a) contain typewritten labels; (b) are addressed to and/or from a business; (c) are contained within flat cardboard mailers; and (d) weigh less than eight ounces. In addition, corporate charge accounts were developed by the USPS to avoid time-consuming cash payments by businesses for business mailings.

7. Based on my training and experience, I am aware that the Priority Mail service was created as a less expensive alternative to Express Mail overnight delivery, but designed to provide quicker, more reliable service than standard First-Class Mail. Whereas a customer mailing an article via Express Mail expects next-day service, a customer who mails an article via Priority Mail can expect two- to three-day delivery service. The USPS also provides a tracking service through a USPS tracking number, which allows the customer to track the parcel and confirm delivery.

8. Based on my training and experience regarding Priority Mail operations, I am aware the majority of Priority Mail mailings are business mailings. Businesses have found that Priority Mail is a significantly less expensive method of mailing than Express Mail, particularly when next-day service is not a requirement. I also know that, similar to Express Mail, Priority Mail business mailings tend to be smaller, lighter mailings, and on average, weigh less than two pounds. Examples of the typical types of business mailings conducted via Priority Mail include books, clothing, pharmaceuticals, and consumer goods purchased from online retailers.

9. From my training, personal experience, and the collective experiences related to me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances and proceeds from the sale of controlled substances, I am aware that the State of New Mexico is a source location for controlled substances based on its close proximity to the border between the United States and Mexico. As such, controlled substances are frequently transported

from New Mexico via USPS, and proceeds from the sale of controlled substances are frequently returned to New Mexico via USPS.

10. Based on my training and experience regarding the use of Express Mail and Priority Mail to transport-controlled substances and/or the proceeds from the sale of controlled substances, I am aware these parcels usually contain some or all of the following characteristics:

- a. The parcel contains a label with handwritten address information and is addressed from one individual to another individual, rather than from one business to another business, which are the entities that more commonly use Express Mail or Priority Mail;
- b. The handwritten label on the parcel does not contain a business account number, thereby indicating that the sender likely paid cash;
- c. The parcel is heavier than the typical mailing, often weighing more than eight ounces for Express Mail, and two pounds for Priority Mail; and/or
- d. The parcel either: (a) was destined for an area known to be a frequent destination point for controlled substances, having been mailed from an area known to be a source area for controlled substances; or (b) originated from an area known to be a frequent origination point for proceeds from the sale of controlled substances, having been mailed to an area known to be a destination area for proceeds from the sale of controlled substances.

11. Express Mail and Priority Mail parcels found to meet any or all of the characteristics described above are often further scrutinized by Postal Inspectors through address verifications and an examination by a trained narcotics detecting canine.

**RELEVANT FACTS PERTAINING TO THE SUBJECT PARCEL**

12. On December 5, 2023, I was notified of a parcel (the **SUBJECT PARCEL**), matching several of the suspicious characteristics described in paragraph 10 above, destined for Belen, New Mexico, from Monte Vista, Colorado. From my training and experience, as well as the training and experience of other Postal Inspectors, I am aware that the State of New Mexico is a source location for controlled substances based on its close proximity to the border between the United States and Mexico. As such, controlled substances are frequently transported from New Mexico via USPS, and proceeds from the sale of controlled substances are frequently returned to New Mexico via USPS. Accordingly, Postal Inspectors intercepted the **SUBJECT PARCEL** from 1135 Broadway Blvd., NE, Albuquerque, NM 87101 for additional inspection.

13. Upon physical examination of the **SUBJECT PARCEL**, the **SUBJECT PARCEL** met some of the characteristics listed in Paragraph 10 above. First, the shape and size of the **SUBJECT PARCEL** has the physical characteristics of bulk currency. Second, the **SUBJECT PARCEL** bore handwritten address information and was addressed from one individual to another individual. Third, the **SUBJECT PARCEL** was mailed to an address in the state of New Mexico from an address in the state of Colorado. Based on my training, experience, and the collective experiences related to me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances and proceeds from the sale of controlled substances, I am aware that the state of Colorado is frequently a destination location for mailed controlled substances, and that proceeds from the sale of controlled substances are frequently returned to New Mexico from Colorado via USPS.

**NARCOTICS CANINE ALERT ON SUBJECT PARCEL**

14. On December 5, 2023, the **SUBJECT PARCEL** was inspected by New Mexico State Police (NMSP) Canine Officer/Handler Jeff Hernandez and his canine partner “Aras.” The **SUBJECT PARCEL** was separated and individually inspected by Officer Hernandez’s canine partner “Aras.”

15. Officer Hernandez is a NMSP officer currently assigned to the handling and care of “Aras.” “Aras” and Officer Hernandez currently hold national certifications in narcotics detection from the California Narcotic Canine Association. The California Narcotic Canine Association is generally accepted as a reliable accreditation body for law enforcement canine units. “Aras” is trained and certified to detect the odors of heroin, cocaine, methamphetamine, and their derivatives. “Aras” is trained to “hit,” or alert her handler, only of the presence of an odor from heroin, cocaine, methamphetamine, or their derivatives.

16. On December 5, 2023, at approximately 11:27 AM, Deputy Hernandez advised that “Aras” alerted and indicated to the presence of one of the above-mentioned trained odors on the **SUBJECT PARCEL**.

17. From my training, personal experience, and the collective experiences related to me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances and proceeds from the sale of controlled substances, I am aware narcotics traffickers often conceal proceeds from the sale of narcotics to avoid the detection of narcotics odors by a trained narcotics canine. Individuals who regularly handle controlled substances often leave the scent of controlled substances on materials they handle, including bulk currency, which would match the physical characteristics of the **SUBJECT PARCEL**.

18. From my training and personal experience, I am aware narcotics traffickers often store controlled substances in close proximity to U.S. currency and packaging materials, transferring the narcotic odor to the U.S. currency and packaging materials.

**CONCLUSION**

19. Based on these facts, there is probable cause to believe the **SUBJECT PARCEL** described in Paragraph 4 above contains controlled substances or proceeds from the sale of controlled substances, constituting evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Possession with Intent to Distribute a Controlled Substance) and 846 (Conspiracy to Distribute a Controlled Substance).

20. Assistant United States Attorney Joseph M. Spindle reviewed and approved this affidavit.

Respectfully submitted,



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Benjamin Whip  
U.S. Postal Inspector

Telephonically sworn and electronically submitted  
on this 6th day of December 2023.



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HONORABLE LAURA FASHING  
UNITED STATES MAGISTRATE JUDGE



PRESS FIRMLY TO SEAL

PRESS FIRMLY

Retail

87002

RDC 07

U.S. POSTAGE PAID  
PME 1-Day  
MONTE VISTA, CO 81144  
DEC 04, 2023

PRESS  
FIRMLY TO SEAL  
PRESS  
FIRMLY TO SEAL

**\$28.75**

R2304M110784-05

**PRIORITY  
MAIL  
EXPRESS**

UNITED STATES  
POSTAL SERVICE®

**PRIORITY  
MAIL  
EXPRESS®**

EI 689 526 542 US

CUSTOMER USE ONLY

FROM: (please print)

PHONE: ( )

Romero  
110 ulysse  
monte vista CO  
81144

DELIVERY OPTIONS (Customer Use Only)

☐ SIGNATURE REQUIRED (Note: The addressee must check the "Signature Required" box if the addressee requires the addressee's signature. OR: (3) Purchase additional insurance; OR: (3) Purchase CDD service OR: (3) Purchase Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

Delivery Options

☐ No Saturday Delivery (delivered next business day)  
☐ Sunday/Holiday Delivery Required (additional fee, where available)  
 \*Refer to USPS.com or local Post Office for availability.

TO: (please print)

PHONE: ( )

P.inon  
1620 Player CT  
Belen NM 87002

ZIP + 4® (U.S. ADDRESSES ONLY)

■ For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.  
 ■ \$100.00 insurance included.

PAYMENT BY ACCOUNT (if applicable)

USPS® Corporate Acct. No. Federal Agency Acct. No. or Postal Service® Acct. No.

ORIGIN (POSTAL SERVICE USE ONLY)

|   |   |  |                              |
|---|---|--|------------------------------|
| <input type="checkbox"/> 1 Day            | <input type="checkbox"/> 2 Day                      | <input type="checkbox"/> Military                | <input type="checkbox"/> CPO |
| PO ZIP Code<br><b>81144</b>               | Scheduled Delivery Date (MM/DD/YYYY)<br><b>12/5</b> | Postage<br><b>\$ 28.75</b>                       |                              |
| Date Accepted (MM/DD/YYYY)<br><b>12/4</b> | Signature Delivery Time<br><b>7:00 PM</b>           | Insurance Fee<br><b>\$ 0.00</b>                  | CDD Fee<br><b>\$ 0.00</b>    |
| Time Accepted<br><b>11:00 AM</b>          | Return Receipt Fee<br><b>\$ 0.00</b>                | Live Animal Transportation Fee<br><b>\$ 0.00</b> |                              |
| Special Handling/Regio<br><b>\$ 0.00</b>  | Sunday/Holiday Premium Fee<br><b>\$ 0.00</b>        | Total Postage & Fees<br><b>\$ 28.75</b>          |                              |
| Weight<br><b>8 lbs 8 oz</b>               | Flat Rate<br><b>\$ 0.00</b>                         | Acceptance Signature<br><b>MD</b>                |                              |

DELIVERY (POSTAL SERVICE USE ONLY)

|  |                                 |
|--|---------------------------------|
| Delivery Attempt (MM/DD/YYYY) Time<br><b>12/5 11:00 AM</b> | Employee Signature<br><b>MD</b> |
| Delivery Attempt (MM/DD/YYYY) Time<br><b>12/5 11:00 AM</b> | Employee Signature<br><b>MD</b> |

LABEL 11-6, MAY 2021

PEN 7830-02-000-8096

To schedule free  
Package Pickup,  
scan the QR code.

USPS.COM/PICKUP

PS 10001000006

EP13F Oct 2018

OD: 12 1/2 x 9 1/2

PEEL FROM THIS CORNER

**ATTACHMENT B**

Evidence of violations of Title 21, United States Code, Sections 841(a)(1) and 846, including controlled substances, U.S. currency, and documents related to the distribution of controlled substances such as drug ledgers, banking and/or money remitter information, and information leading to the identities of the sender, recipient and source of supply.